

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

AZARIAH BOLDEN,
JUAN ANGEL SANTOS,
DREUX CARLSON,
EVAN JUSTEN,
MARIE TAYLOR,
AMAE BROWN,
KYLE HERBECK,
BENJAMIN CAIN,
JOSEPH ABRAMS III,

NOTICE OF REMOVAL

Plaintiffs,

vs.

CITY OF BUFFALO,
CITY OF BUFFALO POLICE DEPARTMENT,
CITY OF BUFFALO POLICE OFFICER DAWN KENT,
CITY OF BUFFALO POLICE OFFICER MICHAEL DELONG,
CITY OF BUFFALO POLICE OFFICER MICHAEL MARITATO,
CITY OF BUFFALO POLICE OFFICER ZACHARY WILLIAMS,
CITY OF BUFFALO POLICE OFFICER STEPHEN SCHULZ,
CITY OF BUFFALO POLICE OFFICER KEVIN MURPHY,
CITY OF BUFFALO POLICE OFFICER PATRICK MEEGAN,
CITY OF BUFFALO POLICE OFFICER JOSEPH BEYER,
CITY OF BUFFALO JOHN/JANE DOE(S),

Defendants.

**TO THE CLERK OF THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK:**

PLEASE TAKE NOTICE, that pursuant to 28 U.S.C. §§1441 and 1446, the Defendants, above-named, by their attorneys, Timothy A. Ball, Esq., Corporation Counsel, and Maeve E. Huggins, Esq., Assistant Corporation Counsel, *of Counsel*,

hereby remove to this Court the civil action filed in New York State Supreme Court, Erie County, bearing Index Number 801598/2021.

In support of this Notice, Defendants state as follows:

1. Plaintiffs filed their Summons and Complaint in state court on or about February 8, 2021. The Defendants received a copy of the Summons and Complaint on or about February 10, 2021. Copies of Plaintiffs' Summons and Complaint in the state court action are attached hereto as **Exhibit A**.

2. On March 1, 2021, the Defendants filed an Answer, attached hereto as **Exhibit B**.

3. No further proceedings have been had in the state court action.

4. An Index of all documents filed in state court is attached hereto at Page 4, pursuant to Local Rule 81. No other documents have been filed in state court or otherwise received by Defendants.

5. This Court has subject matter jurisdiction of the action pursuant to 28 U.S.C. §1331 (federal question) in that the Plaintiffs' Complaint contains causes of action against Defendants for alleged violations of civil rights pursuant to 42 U.S.C. §1983.

6. Venue is proper pursuant to 28 U.S.C. §1441(a) as this is the federal district court for the district embracing the place where the state court suit is pending.

WHEREFORE, the Defendants file this Notice of Removal so that the action now pending in state court is removed to this Court for all further proceedings.

Dated: March 1, 2021
Buffalo, New York

Respectfully submitted,

Timothy A. Ball, Esq.
Corporation Counsel
Attorney for Defendants

By:



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INDEX OF DOCUMENTS FILED IN STATE COURT PRIOR TO REMOVAL

1. Summons, filed February 8, 2021
2. Complaint, filed February 8, 2021
3. Answer, filed March 1, 2021